

DEVELOPMENT CONDITIONS
SE 2013-MA-002
May 6, 2014

With the approval of SE 2013-MA-002, located at 6566 Little River Turnpike, Tax Parcel 72-1((1)) 20E, for a drive-in financial institution, pursuant to Sect. 4-504 of the Fairfax County Zoning Ordinance, the Board of Supervisors conditioned the approval by requiring conformance with the following development conditions:

GENERAL:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provision of Article 17, Site Plans as may be determined by the Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled "Special Exception Plat for TD Bank", consisting of seven sheets and prepared by Bohler Engineering, which is dated January 7, 2013 and revised through April 23, 2014, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. A copy of this Special Exception and the Non-Residential Use Permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. Donation Drop Boxes, used for the collection of clothing and/or other donated materials, shall not be permitted on the subject property.

OPERATIONAL:

6. There shall be a maximum of nine employees on-site at any one time.

ARCHITECTURAL:

7. Architectural elevations and building materials including a mix of red brick and metals shall be in substantial conformance with those shown on the SE Plat (Appendix 3).

GREEN BUILDING:

8. Prior to the building plan approval, the applicant will submit, to the Environment and Development Review Branch (EDRB) of DPZ, documentation from the U.S. Green Building Council (USGBC) demonstrating the applicant's enrollment in the Leadership in Energy and Environmental Design (LEED) Portfolio/Volume Program. Prior to the issuance of the building permit, the applicant will provide documentation that the proposed project is pre-registered with the LEED Portfolio/Volume Program. Prior to release of the bond for the project, the applicant shall provide documentation to the EDRB demonstrating the status of attainment of LEED certification or a higher level of certification from the USGBC for the building.

As an alternative to the actions outlined in the above paragraph, or if the applicant is unable to provide documentation confirming both the applicant's enrollment in, and the specific project's pre-registration in the LEED Portfolio/Volume, the applicant will execute a separate agreement and post, a "green building escrow," in the form of cash or a letter of credit from a financial institution acceptable to DPWES as defined in the Public Facilities Manual, in the amount of \$67,650. This escrow will be in addition to and separate from other bond requirements and will be released upon demonstration of attainment of LEED certification or higher level of certification, by the USGBC, under the most current version of the USGBC's Leadership in Energy and Environmental Design—New Construction (LEED®-NC) rating system rating system or other LEED rating system, as determined by the U.S. Green Building Council. The provision to the Environment and Development Review Branch of DPZ of documentation from the U.S. Green Building Council that the building has attained LEED certification will be sufficient to satisfy this commitment.

If the applicant provides to the EDRB, within 18 months of issuance of the final RUP/non-RUP for the building, documentation demonstrating that LEED certification for the building has not been attained but that the building has been determined by the USGBC to fall within three points of attainment of LEED certification, 50% of the escrow will be released to the applicant; the other 50% will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

If the applicant fails to provide, within 18 months of issuance of the final RUP/non-RUP for the building, documentation to the EDRB demonstrating attainment of LEED certification or demonstrating that the building has fallen short of LEED certification by three points or less, the entirety of the escrow for that building will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

If the Applicant provides documentation from the USGBC demonstrating, to the satisfaction of the EDRB, that USGBC completion of the review of the LEED certification application has been delayed through no fault of the Applicant, the Applicant's contractors or subcontractors, the time frame may be extended as

determined appropriate by the Zoning Administrator, and no release of escrowed funds shall be made to the Applicant or to the County during the extension.

LANDSCAPE:

9. At such time as dedication of any part of the reservation area along Little River Turnpike is required, any deciduous trees located in the reservation area required for dedication shall be relocated elsewhere on-site, or a deposit of \$300 per tree shall be made to the Tree Preservation and Planting Fund in the same manner as the deposit for off-site plantings as outlined in Condition #13.
10. The 53 evergreen or deciduous shrubs being provided on site shall be a minimum height of 18-24 inches at the time of planting.
11. Landscaping that is native to the middle Atlantic region shall be provided as generally shown on the Special Exception Plat, as modified only to meet the species diversity and other applicable requirements of the Public Facilities Manual (PFM), and as conditioned, subject to review and approval of the Urban Forestry Management Division (UFMD) of the Department of Public Works and Environmental Services (DPWES) at the time of site plan review: Supplemental landscaping may be installed by the applicant, in addition to the landscaping shown on the SE Plat, that is determined to not conflict with the required landscaping or other details approved on the SE Plat.

STORMWATER:

12. Stormwater outfall adequacy, per the PFM, shall be demonstrated at the time of site plan review. Stormwater detention may be required if outfall is determined to be inadequate, and would require an amendment to this Special Exception.

TREE PLANTING:

13. In lieu of the remaining 1,278 square feet of 10-year tree canopy onsite needed to meet the minimum requirement of 2,528 square feet (10 percent canopy coverage) for the site, the applicant shall make a payment in the amount of \$2,400 to the Fairfax County Tree Preservation and Planting Fund to be used for the planting of eight trees at Pinecrest Golf Course, which shall be used to satisfy the applicant's requirement to meet the remaining 1,278 square feet of 10-year canopy at an offsite location.

TRANSPORTATION:

14. Subject to the consent of the owner of the adjacent shopping center, the entrance on Little River Turnpike shall be reduced to 30 feet across per VDOT standard for a commercial entrance.
15. An additional 15 feet of right of way shall be dedicated to the Board of Supervisors, in fee simple, along Little River Turnpike. An additional nine feet of right of way shall be reserved along Little River Turnpike. At such time as a project for Little River Turnpike requires additional right of way, the reservation area, up to nine feet in width, shall be dedicated to the Board of Supervisors, in fee simple.
16. Any improvements (landscaping, parking, signage, etc.) within the dedication area shall be subject to a license agreement. Improvements may be provided within the reservation area provided that at the time dedication is required, except as may otherwise be provided herein, all improvements shall be removed and relocated (if necessary) at the applicant's expense.
17. A sawcut transition between the proposed asphalt trail and the concrete sidewalk shall be provided; and utilities shall be relocated as required to permit the construction of a 10-foot wide asphalt trail along Little River Turnpike.
18. All proposed and existing curb ramps shall be ADA compliant with appropriate truncated dome widths that align with the width of the trail or the sidewalk.
19. The number, location and type of bicycle racks on site shall be subject to the review of the Fairfax County Department of Transportation (FCDOT) at the time of site plan review.
20. Two drive-thru lanes shall be open at all times that windows are operational, to provide adequate vehicle stacking.

SIGNAGE/LIGHTING:

21. Signage shall be in substantial conformance with that shown on the SE Plat and all signage shall comply with the provisions of Article 12 of the Zoning Ordinance.
22. No freestanding commercial signs, other than the freestanding sign depicted on the SE plat, shall be permitted. In addition, the freestanding sign depicted on the SE plat shall not be taller than eight feet from the ground. Bank logos or other advertising shall not be placed on any directional signage.
23. All lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting, shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of a Non-Residential Use Permit for the use. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.